

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

JOHNATHAN PERSAUD,

Defendant.

ORDER

22 Cr. 514 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Sentencing in this matter is scheduled for December 15, 2023, at 4:00 p.m. In connection with making a determination as to the Defendant's culpability, the Court invites the parties to make supplemental submissions addressing the following matters:

1. the circumstances that led to the Defendant participating in the crimes that resulted in his guilty plea;
2. the approximate number of credit cards that the Defendant stole from the mail, the number of occasions in which he stole credit cards from the mail, when the Defendant first provided a stolen credit card to a co-conspirator, and when he last provided a co-conspirator with a stolen credit card; and
3. what the Defendant received in exchange for the stolen credit cards he provided to his co-conspirators, whether cash or merchandise.

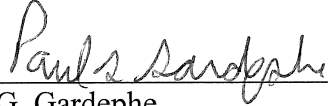
The Government's supplemental submission is due by **December 7, 2023**. Any supplemental submission from the Defendant is due by **December 12, 2023**.

The parties have submitted a consent order of restitution that is (1) ambiguous as to the amount of restitution owed by the Defendant; and (2) inconsistent with the plea agreement. The plea agreement states that "[t]he defendant . . . agrees to make restitution apportioned for this defendant in the amount of \$29,140.73." (Plea Agmt.) The proposed consent order of restitution states, however, that "the defendant[] shall pay restitution in the total amount of \$536,434." But the order goes on to state that "[t]he defendant's liability to pay restitution shall

continue unabated until either the defendant has paid the full apportioned amount of restitution ordered herein [of \$29,140.73], or every victim in Schedule A has recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victims.” Based on the plea agreement, the Court understands the Defendant’s restitution obligation to be \$29,140.73. The confusing and ambiguous language in the proposed consent order of restitution should be amended to make clear that the Defendant’s restitution obligation is \$29,140.73.

Dated: New York, New York
December 4, 2023

SO ORDERED.



Paul G. Gardephe
United States District Judge